

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>3/21/2022</u>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DANIEL ABBOTT ET AL.

Plaintiffs,

-against-

COMME DES GARCONS, LTD., DOVER
STREET MARKET NEW YORK LLC,
ELAINE BEUTHER, and JAMES
GILCHRIST,

Defendants. :
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21-CV-4929 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on February 18, 2022, Defendants filed a motion to dismiss, *see* Dkt. 61;

WHEREAS on February 24, 2022, Plaintiffs moved for leave to file a Second Amended Complaint, *see* Dkt. 63;

WHEREAS on February 25, 2022, the Court, *inter alia*, ordered Defendants to notify the Court by March 11, 2022, whether they oppose Plaintiff's motion, *see* Dkt. 64;

WHEREAS on March 11, 2022, Defendants informed the Court, *inter alia*, that they do not oppose Plaintiff's motion for leave to amend, *see* Dkt. 66;

WHEREAS on March 14, 2022, the Court ordered that, as Defendants do not oppose Plaintiff's motion, Plaintiffs must file their Second Amended Complaint no later than March 18, 2022, *see* Dkt. 67; and

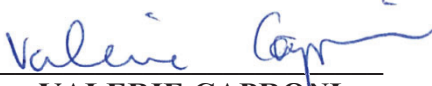
WHEREAS on March 18, 2022, Plaintiffs filed their Second Amended Complaint, *see* Dkt. 70;

IT IS HEREBY ORDERED that Defendants' motion to dismiss is DENIED as moot. Not later than **April 8, 2022**, Defendants must either file an answer to the Second Amended Complaint or move to dismiss the Second Amended Complaint.

The Clerk of Court is respectfully directed to terminate the open motion on Dkt. 61.

SO ORDERED.

Date: March 21, 2022
New York, New York


VALERIE CAPRONI
United States District Judge